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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,650	04/02/2004	Cheol Kim	70591.86468-001	3406

7590 04/13/2005

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/817,650

Applicant(s)

KIM, CHEOL

Examiner

Kathleen M Christman

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/02/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3713

DETAILED ACTION

In response to the preliminary amendment filed 04/02/2004, claims 1-5 have been cancelled; newly added claims 6 and 7 are pending.

Priority

Applicant is requested to update the priority information in the first line of the specification to reflect the status of any related or priority applications.

Drawings

1. Applicant is requested to provide a descriptive legend for each of the structural elements in the drawings currently represented in the form of a hollow rectangle, for example those denoted by symbols 11-28 in Figure 1 and similar black boxes in Figures 3, 5, and 7. Correction is required.

Claim Objections

2. Claim 7 is objected to because of the following informalities: The claim recites dependency on claim 49, which does not exist. However, it is clear that this claim is intended to depend on claim 6, and has been treated as such for purposes of this action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3713

3. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "the digital audio data generated by the protocol controller" and "the caption data generated by the protocol controller". There is insufficient antecedent basis for this limitation in the claim. The claim also recites the phrase "when selecting a play mode" but fails to state how this selection is made or who is to make it. Claim 7 is rejected for its incorporation of the above through its dependencies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 6 and 7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al (US 5,833,468) in view of Kirkland (US 5,900,908). Guy et al teaches a system including: a radio frequency/intermediate frequency unit for receiving and amplifying data via a wireless communication network, the RF/IF unit outputting a wireless data signal (Figure 2, element 102); a modem for demodulating the wireless data signal output from the RF/IF unit (Figure 2, element 208, the VBI modem); a protocol controller for receiving the data demodulated and output by the modem and generating data fitting to a communication protocol (the on-line operating module); a coder-decoder for

Art Unit: 3713

converting audio data (inherent functionality of the sound card of any computer system); a data transmitting controller for controlling the transmission of data to a displayer (the on-line operating module, see col. 4: 34-39); a digital signal processor/central processing unit (DSP/CPU) for storing data to a memory, reading the data from the memory, and converting and outputting the data via a display and a speaker, and a ROM and RAM for storing operating programs, data, and addresses on the DSP/CPU (the main processor, associated memories and computer functionalities inherently associated with each, see at least col. 3: 44-59), as in **claim 6**. The terminal further including a key unit for inputting information on operation modes and function selection to the DSP/CPU (**claim 7**) is taught as a keyboard in col. 3: 35.

Guy et al fails to specifically teach that the data includes "caption language learning data", as recited in claim 6. Kirkland specifically teaches a Television transmission which includes caption data, the caption data being decoded by a decoder module and output to a display screen, see Figure 3. It would have been obvious to one of ordinary skill in the art to incorporate the caption functionalities of the Kirkland system into the Guy et al system so as to provide a written description of the audio portion of the lesson for those user who may be hearing impaired (Kirkland, col. 1: 18-29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen M Christman
Examiner
Art Unit 3713

April 12, 2005